

**CHAPTER 1**

**100 SERIES PLANS:**

**EMERGENCY MANAGEMENT  
WITHIN NEW ZEALAND**

**NEW ZEALAND JOINT SERVICE PLAN No 104:**

**CAPRI**

**(ISSUE 1)**

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NZJSP No 104

**NEW ZEALAND JOINT SERVICE PLAN No 104**

**PLAN CAPRI**

**PROVISION OF NZDF ASSISTANCE TO THE GOVERNMENT RESPONSE TO A  
MASS ARRIVAL OF ILLEGAL MIGRANTS**

1. This JSP details the NZDF support to an All of Government strategy for preparing for and responding to the possible arrival in New Zealand of a vessel containing undocumented migrants who may seek refugee status under the Refugee Convention.
2. To date Australia and Canada have been the main destinations for people smugglers in the South-East Asia and Pacific regions, but attempts to ship illegal migrants to New Zealand or to Pacific states within New Zealand's search and rescue region are also possible.
3. The likelihood is that such a vessel will be detected on approach to New Zealand and that a controlled arrival will be able to be organised. An undetected arrival in a remote part of the mainland or on an even more remote island forming part of New Zealand cannot however be discounted. The first contact could be a request to assist a vessel in distress.
4. NZDF assets and personnel will be required to support the All of Government plan, and although not a lead agency, the NZDF will take a major part in the operation.
5. Recommendations for amendment to NZJSP 104 are to be forwarded through normal command channels to HQ NZDF (Attention: AC SCI).
6. Issued by authority of the Chief of Defence Force.



**R.R. JONES**  
Lieutenant General  
Chief of Defence Force

8 December 2011

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**NEW ZEALAND JOINT SERVICE PLAN No 104****PLAN CAPRI****PROVISION OF NZDF ASSISTANCE TO THE GOVERNMENT  
RESPONSE TO A MASS ARRIVAL OF ILLEGAL MIGRANTS****REFERENCE:**

- A. Mass Arrival of Illegal Immigrants – Response Manual dated 18 August 2011 (MARM)

**SITUATION****Immigration and People Smuggling**

1. Illegal immigration arises from circumstances in the international environment that lead people to seek to migrate through unlawful methods. *Organised* illegal migration – known as people smuggling – is a major trans-national crime, with links to other forms of criminality such as the trafficking of people and narcotics, document fraud, money laundering and arms smuggling.
2. The criminal act of people smuggling challenges the fundamental right of New Zealand, as a sovereign state, to determine who enters its borders. It creates security risks, and undermines the Government's ability to manage immigration for the benefit of New Zealand.
3. For years, Australia has been the destination of choice for maritime people smugglers in the South-East Asia and Pacific regions. Maritime smuggling ventures are known to have targeted New Zealand unsuccessfully. Any vessel carrying potentially illegal immigrants (PII) that enters New Zealand's search and rescue region<sup>1</sup> is a concern for Government due to risks posed to a variety of national interests. For example:
  - a. Humanitarian responsibilities and obligations – the persons on board may be in need of rescue from danger or require medical treatment, food and water.
  - b. Protection – the persons on board may be entitled to claim protection under the Refugee Convention, the United Nations Convention Against Torture, or the International Covenant on Civil and Political Rights.

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<sup>1</sup> See Annex A for a map of the New Zealand Search and Rescue Region



- c. Sovereignty / Immigration – the exercise of the State’s right to determine who enters its territory and what processes they must adhere to in doing so.
- d. Border Control / Biosecurity – a vessel may contain contraband or organisms that are illegal or pose a threat to New Zealand and its interests.
- e. Public health – the vessel’s crew and passengers may be carrying notifiable diseases.
- f. Criminal – persons either on or associated with the vessel may have committed, or be committing, indictable offences against New Zealand law.
- g. Security – the vessel may be carrying persons who harbour a desire to cause harm to New Zealand, its citizens or interests.

4. In this context, a whole-of-government response is critical.

### **Responding to People Smuggling**

s. 6(a)

6. New Zealand is involved in international efforts to counter people smuggling through the United Nations and other international fora including the Bali Process on People Smuggling, Trafficking and related Transnational Crime. New Zealand has a central role in the Bali Process as a member of the high-level Steering Group<sup>2</sup>, which meets regularly to provide direction on the Bali Process, and as a member of the Bali Process Ad Hoc Group<sup>3</sup>, which brings together key source, transit and destination countries to develop regional responses to the challenges of people smuggling and trafficking in persons.

7. New Zealand is party to a range of relevant international instruments; the legal obligations under which will be a key determinant of how New Zealand responds to a potential or actual mass arrival event.<sup>4</sup>

8. New Zealand also participates in a number of regional fora, which aim to develop the region’s capacity to deal with illegal migration and trans-national crime,

<sup>2</sup> Steering Group members include New Zealand, Australia, Indonesia, Thailand, IOM and UNHCR.

<sup>3</sup> Ad Hoc Group members include New Zealand, Afghanistan, Australia, Bangladesh, India, Indonesia, Malaysia, Maldives, Myanmar, Pakistan, Sri Lanka, Thailand, IOM and UNHCR.

<sup>4</sup> Particularly important in this respect are the following United Nations instruments; the United Nations Convention against Transnational Organised Crime and its two Protocols on the Smuggling of Migrants and Trafficking of Persons, United Nations Refugee Convention and United Nations Convention on the Law of the Sea (UNCLOS). See also Appendix 3 and 4.

including the Pacific Immigration Directors' Conference (PIDC), and the Pacific Rim Intelligence Conference (PACRIM).

9. The following diagram (*Figure 1: NZ Government strategy for responding to illegal migration*), outlines the multi-pronged approach being taken by the New Zealand Government toward the issue of illegal migration. s. 6(a)

These work areas come together to enable New Zealand not only to deter people smuggling, but to respond appropriately should illegal immigration occur.

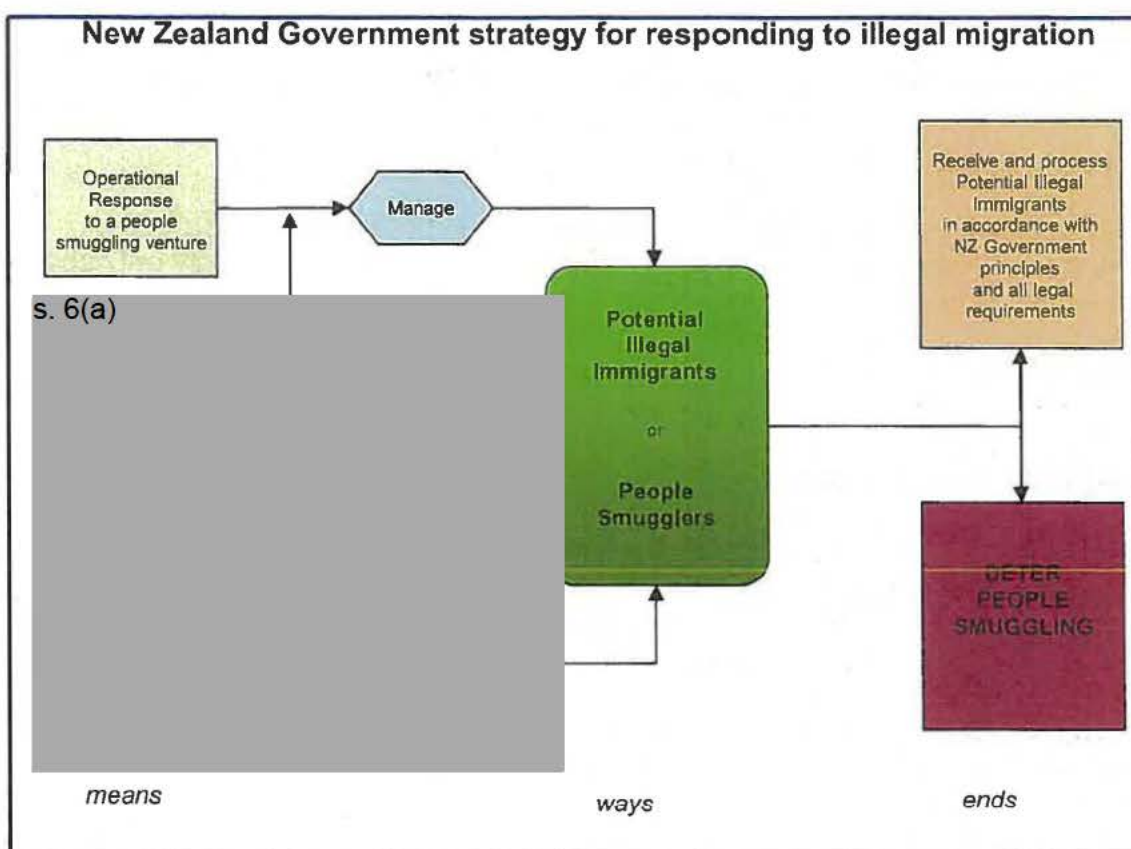


Figure 1: NZ Government strategy for responding to illegal migration

s. 6(a)

11. The MARM focuses primarily on the *Manage* aspect of the overall strategy for illegal migration, which is the responsibility of multiple government agencies whose roles and responsibilities are detailed.



### Responding to a mass arrival of potentially illegal immigrants

12. The term "mass arrival" in regards to potentially illegal immigrants will apply to any group of people who arrive in New Zealand:

- a. as part of a substantial unauthorised group (by sea or air)
- b. not on a craft that is providing a scheduled international service; and
- c. not as crew or passengers of a vessel that is travelling to New Zealand in the ordinary course of business.

13. Overall, the most likely scenario is the arrival of a maritime people smuggling venture in New Zealand waters. See Appendix 2 for a synopsis of recent mass arrival cases that have informed New Zealand's response planning.

14. The arrival in New Zealand of a vessel carrying, potentially, s. 6(a) would be costly and challenging to manage. Currently only about 350 asylum claims are received annually, and 85 percent of these are made by people who enter New Zealand lawfully. All but a few claimants remain in the community while their claims are determined. Most of the claims are not successful.

15. The Department of the Prime Minister and Cabinet (DPMC) as lead agency, among Officials for Domestic and External Security Committee (ODESC) departments, is charged with monitoring and preparing for this threat to New Zealand's security. Customs and Immigration are the two main agencies involved and take the lead through the various phases of the operation. The NZDF is a supporting agency and is involved throughout the majority of the process. The All of Government (AoG) Command and Control structures are at Annex B.

16. Ref A is the AoG Response Manual for a Mass Arrival. It details the inter-department coordination and operational plan. The outline plan and response codes are detailed in Annex C.

### MISSION

17. To provide NZDF support to Government authorities in the event of a mass arrival of illegal migrants to New Zealand.

### EXECUTION

#### CDF Intent

18. The NZDF is to support government agencies fully in achieving the mission. Where possible, support should not interfere with the operations of the NZDF. However, in some instances NZDF units will have to alter training plans in order to facilitate the level of support required. s. 6(a)



[REDACTED] Commanders at all levels must be flexible during this operation, and continue to achieve other NZDF outputs despite the disruption placed on them.

### General Outline

19. In the event that a people smuggling venture takes place the operation will be of a protracted nature. It is likely that details of a suspected illegal entry vessel (SIEV) departing the home location will be known in advance, although the destination may not be. In the first instance a watch group and / or an ODESC meeting will be called. Subsequent meetings will then be held to determine timelines for setting up facilities in New Zealand for the interception, arrival and detention of any potential illegal migrants.

20. The response states detailed in the AoG operational plan (Annex C) are to be used by the NZDF. HQ NZDF (SCI Branch) will be responsible for strategic representation at watch groups and ODESC (if CDF is unavailable). HQ JFNZ will be responsible for the command and coordination of all NZDF assets involved in CAPRI.

21. DPMC has overall responsibility for the coordination of the AoG response to a mass arrival. The CIMS structure outline for command and control is at Annex B. DPMC have tasked customs and immigration to be responsible for certain phases of the operation.

- a. **Customs:** Lead agency for response states s. 6(a) [REDACTED]
- b. **Immigration:** Take lead agency responsibility during transition from response state s. 6(a) [REDACTED].

s. 6(a) [REDACTED]

s. 6(a)

## Tasks

### 23. HQNZDF

- a. **AC SCI** is to:
  - (1) provide staff support to the lead agency's national operations centre as required;
  - (2) be prepared to provide additional staff support to CDF in the ODESC(E) when this forum is convened during the operation; and
  - (3) draft appropriate orders for CDF and provide notification to the Minister of Defence as directed.
- b. **Other Branch Heads** are to be prepared to provide personnel to COMJFNZ as required; and
- c. **COMLOG** is to be prepared to provide personnel and logistic support, particularly contract negotiation assistance, to COMJFNZ.

### 24. COMJFNZ is to:

- a. command and control all NZDF forces assigned to the operation;
- b. produce detailed CONPLANS IAW this directive and Ref A;
- c. provide necessary liaison to other government departments and operations centres; and
- d. coordinate all operational aspects of this plan.

### 25. Service Chiefs are to:

- a. assign forces as required and identified in HQ JFNZ CONPLAN; and
- b. prioritise resources and facilities in support of HQ JFNZ CONPLAN.

### 26. CN is to

s. 6(a)

s. 6(a)

28. **DCG** is to provide public information management for the NZDF, IAW with the overarching Immigration NZ media plan.

## ADMINISTRATION AND LOGISTICS

### Legal Basis for Provision of NZDF Support

29. CDF may authorise the use of any part of the Armed Forces to perform a public service pursuant to section 9(1)(a) of the Defence Act 1990, including the provision of support in respect of a mass arrival of illegal immigrants.

30. Legal guidance in respect of the execution of NZJSP CAPRI is at Annex E.

s. 6(a)

### Finance

33. All costs to deploy and sustain NZDF contribution will be met by NZDF. Authorisers of any such support are to capture the marginal costs of support in the event that this information is required post event.

34. HQ JFNZ is to generate an SPC as part of the associated CONPLAN and capture all operating costs.

<sup>5</sup> Under development, to be issued Jan 2012.



35. Due to the nature of the operations, NZDF will often provide support to other agencies. In these instances a cost recovery of consumable items (e.g. rations) and equipment may be undertaken following the event. Unless directed otherwise, any such support will only be provided after an appropriate authority in the other agency has agreed to cost recovery including a schedule of items and estimated cost. HQ JFNZ is to ensure that costs are captured in order to facilitate any cost recovery.

## **COMMAND AND SIGNAL**

### **Command and Control**

36. COMJFNZ is to be assigned NZDF force elements OPCOM for the duration of the operation.

### **Activation**

37. Activation of NZDF support to a mass arrival of illegal immigrants will be initiated by a CDF directive by SCI Branch following a decision by ODESC that preparation is to take place.

### **Public Information and Public Relations**

38. Any mass arrival incident will attract intense media interest both locally and internationally. Public information management during a mass arrival is therefore a leadership responsibility that is integral to the Government's multi-agency response. Effective public information will explain what the Government is doing to manage the mass arrival and keep the public apprised as the situation unfolds. Maintaining an effective flow of information to the public and the news media will ensure overall public confidence and support of the authorities.

39. Immigration has the lead for public relations during a Mass Arrival of PII. A public information and media strategy for a mass arrival event has been developed by a multi-agency communications group, led by Immigration. The purpose of this strategy is to provide clear public information goals and objectives, as well as sufficient guidance on roles and responsibilities to enable the Mass Arrival Controller and supporting officials in all response agencies to work collaboratively and seamlessly in the provision of timely and appropriate public information.

40. DCG is to maintain relationships with the communications group and provide public information management for NZDF involvement in the operation.

### **Code Word Security**

41. The code word 'CAPRI' and its meaning are UNCLASSIFIED, while the detailed contents of this plan are classified RESTRICTED.



42. Detailed planning may be based on intelligence of a higher classification or politically sensitive material. If this is the case, the appropriate security classification must be used for all applicable documents and message traffic.

### **Message Identification, AIGs and Distribution Lists**

43. Message Identification. The words 'CAPRI' and the operational name are to be included in the first line of text of all messages relating to NZJSP CAPRI.

44. Subject Indicator Code (SIC). SIC 'I6C' is to be used for all messages relating to NZJSP CAPRI.

### **Plan Sponsor**

45. AC SCI is the sponsor for NZJSP 104: CAPRI.

### **Planning Responsibilities**

46. COMJFNZ and Service Chiefs are to produce or amend existing Standing Operating Procedures based on these instructions detailing the procedures to be followed by their subordinate elements.

### **Review Requirements**

47. NZJSP CAPRI is to be reviewed by AC SCI biennially in June or more often should the situation demand.

### **Date of Effect of New Plan**

48. NZJSP CAPRI (Issue 1) is effective on date of issue.

### **Annexes:**

- A. NZ Search and Rescue Region
- B. AoG C2 for MARM (extracted from Ref A)
- C. AoG Response States and Outline Operational Plan
- D. Immigration details on accommodation / detention facility requirement.
- E. NZJSP CAPRI Legal Guidance
- F. MOU between NZDF and the Department of Labour (Immigration) (under development, to be issued Jan 2012)

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